

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

DIANE RENEE ERDMANN,

Petitioner,

v.

FEDERAL BUREAU OF PRISONS,

Respondent.

Case No. 2:25-cv-00034-JNW-TLF

ORDER PROVISIONALLY  
APPOINTING FEDERAL PUBLIC  
DEFENDER AND DIRECTING  
PETITIONER TO SUBMIT  
FINANCIAL AFFIDAVIT FORM

Petitioner filed a federal habeas corpus petition brought under 28 U.S.C. § 2241. The Court is ordering service of the petition by separate order. While there is no constitutional right to appointment of counsel in actions brought under § 2241, the Court may exercise its discretion to appoint counsel for a financially eligible individual where the "interests of justice so require." 18 U.S.C. § 3006A. Petitioner alleges in her underlying petition that the Federal Bureau of Prisons ("BOP") has miscalculated her sentence because it refuses to apply earned time credits towards her sentence that she is entitled to under the First Step Act ("FSA"). Dkt. 4.

The Court concludes, based upon its review of the petition, that the interests of justice require the appointment of counsel in this case. However, petitioner must demonstrate that she is financially eligible for such an appointment. See 18 U.S.C. § 3006A(a)(2)(B). Accordingly, the Court hereby finds and ORDERS:

ORDER PROVISIONALLY APPOINTING FEDERAL  
PUBLIC DEFENDER AND DIRECTING PETITIONER  
TO SUBMIT FINANCIAL AFFIDAVIT FORM - 1

1 (1) The Court **PROVISIONALLY APPOINTS** the Federal Public Defender to  
2 represent petitioner in these proceedings. On or before **March 31, 2025**, petitioner must  
3 complete and submit a copy of the Court's financial affidavit form (CJA-23)  
4 demonstrating her financial eligibility for the appointment of counsel. The Clerk is  
5 directed to provide petitioner with a copy of the financial affidavit form (CJA-23).

6 (2) If petitioner fails to submit the completed financial affidavit form (CJA-23)  
7 by **March 31, 2025**, the Court may terminate the appointment of counsel and direct  
8 petitioner to proceed in the action unrepresented by counsel.

9 The Clerk is directed to send copies of this order to petitioner, the Federal Public  
10 Defender's Office, counsel for respondent, and to the Honorable Jamal N. Whitehead.

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12 Dated this 10th day of March, 2025.

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Theresa L. Fricke  
16 United States Magistrate Judge  
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